HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 23290 of 2007

Dated 5th November, 2007

Between

The Burgampadu Cooperative RuralBank,
Burgampadi Village and Mandal, Khammam District,
Rep. By itsSecretary M.A.Mannan

…Petitioner

and

The A.P. State Cooperative Marketing Federation Limited,
Parishram Bhavan, Hyderabad, rep. By its Managing Director, and, ors.

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 23290 of 2007

ORDER:

In this Writ Petition, the petitioner, Burgampadu Cooperative Rural Bank, seeks declaration by way of Writ of Mandamus that the action of the respondents in initiating proceedings for executing ex parte award passed by the Deputy Registrar of Cooperative Societies (Enforcement), in ARC.No. 38/89-90, dated 6-3-1992 as illegal and arbitrary.

It is the case of the petitioner that he was not provided any opportunity in the award proceedings and even a copy of the Award is also not communicated to him in spite of his request.

However, the learned Standing Counsel appearing for the first respondent-A.P.State Cooperative Marketing Federation Limited, has produced a copy of the order dated 27-5-1992 passed by this Court in Writ

Petition No. 6702 of 1992, wherein, the very same award was questioned by the petitioner-bank and the said Writ Petition was dismissed.

In view of the dismissal of Writ Petition No.6702 of 1992, wherein the petitioner had questioned the award No. ARC.No. 38/89-90, dated 6-3-1992, it is not open for petitioner-bank to seek relief as sought in the present Writ Petition. Moreover, the petitioner has not stated as to filing of Writ Petition NO. 6702 of 1992 in the affidavit filed in support of the present Writ Petition. The petitioner suppressing the factum of filing of earlier Writ Petition, filed this Writ Petition. In that view of the matter, I see no ground for grant of relief as prayed for.

The Writ Petition is devoid of merits and is accordingly dismissed at the admission stage. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 05-11-2007.
Msnr.